



National Council of Jewish Women

New York Office
475 Riverside Drive, Suite 1901
New York, NY 10115
Tel 212 645 4048
Fax 212 645 7466
Email action@ncjw.org

Washington Office
1707 L Street, NW Suite 950
Washington, DC 20036-4206
Tel 202 296 2588
Fax 202 331 7792
Email action@ncjwdc.org

Israel Office
NCJW Research Institute for
Innovation in Education, Room 267
Hebrew University, Mt. Scopus
Jerusalem, Israel 91905
Tel 972 2 5882 208
Fax 972 2 5813 264
Email ncjwisrael@gmail.com

Web www.ncjw.org

The Honorable Tim Walberg, Chairman
Education and Workforce Subcommittee on Workforce Protections
United States House of Representatives
2181 Rayburn House Office Building
Washington, DC 20515

April 16, 2013

Dear Representative Walberg,

On behalf of the 90,000 nationwide members and supporters of the National Council of Jewish Women (NCJW), I am writing to urge you to oppose H.R. 1406, the Working Families Flexibility Act (WFFA). As an organization dedicated to protecting and promoting economic justice for working families, we are acutely aware of the importance of policies that encourage self-sufficiency such as paid sick leave, paid family leave, and a living wage. However, as introduced in the 113th Congress, the Working Families Flexibility Act sets up a dangerous false choice between time and money when the reality is that working families need both.

Despite its name, the bill as written erodes the ability of hourly workers to balance the demands of work and family responsibilities by weakening provisions of the Fair Labor Standards Act. Although its authors argue that the WFFA would “make life work” by giving hourly workers the option to choose paid time off as compensation for working more than 40 hours in one week, this legislation would create incentives for employers leading to unpredictable work schedules and mandatory overtime without adequate worker protections – none of which facilitate family-friendly outcomes.

If the Working Families Flexibility Act were passed, employers would have significant financial incentives to assign overtime hours to workers who agree to accept comp time instead of overtime wages. This would make workers’ schedules less predictable and mandatory overtime hours more common. It would also create financial turmoil for workers who depend on overtime pay to make ends meet. Additionally, workers who accrue comp time would not be guaranteed the opportunity to use it when they need it. This means that hardworking people who have banked comp time still wouldn’t have the right to use it if their employer says no – even if they need it to attend a parent-teacher conference, help an aging parent relocate to a nursing home, care for a new baby, recover from their own serious illness or to simply take a day off.

The WFFA would force workers to accept less pay without the guarantee of time off, which employers would be able to unilaterally deny or pay out on at a later date. The bill does not provide workers with any remedy for denied comp time requests other

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than asking to have the value of the time cashed out, and even then employers would have 30 days to cash out the wages earned through overtime work, despite workers more immediate financial needs. Furthermore, workers whose employers go out of business or bankrupt have no recourse to recover the value of their banked time. One-hundred-sixty hours of lost comp time (the maximum allowed) would mean a loss of more than \$2,200 for a typical hourly worker.ⁱ Each year, on average, more than three million workers lose their jobs when businesses close. Even at the peak of the last business cycle (2006 – 2007), about 600,000 firms, employing 3.4 million workers, went out of business.ⁱⁱ

Promoting family-friendly workplace policies is a moral issue. Our religious beliefs affirm the right of employees to earn a living and raise a family, and the dignity of work and fair treatment guide and strengthen our voices. We are taught, “You shall not defraud your neighbor” (Leviticus 19:13). The proposed legislation does just that, by forcing workers into uncertain situations in which their overtime work can translate into delayed realization of earned income, paid leave dictated by their employer, or worse – neither.

We strongly urge you to stand up for what is right and oppose the Working Families Flexibility Act. For additional information, please contact Madeline Shepherd at (202) 375-5063 or by email at madeline@ncjwdc.org.

Sincerely,

Nancy Kaufman
National Council of Jewish Women

ⁱ Based on a median hourly wage of \$14.12 for an hourly worker age 25+ in 2011, as reported in U.S. Bureau of Labor Statistics. (2012, October). Highlights of Women's Earnings in 2011, p. 46. Retrieved 5 April 2013, from <http://www.bls.gov/cps/cpswom2011.pdf>

ⁱⁱ U.S. Census Bureau. (2012). Firm Births and Deaths by Employment Size of Enterprise: 1990 – 2007 (Table 765). Retrieved 5 April 2013, from <http://www.census.gov/compendia/statab/2012/tables/12s0765.pdf>